

MANUEL SAUCEDO LOPEZ,  
Petitioner,  
  
vs.  
RENEE BAKER, *et al.*,  
Respondents.

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2:01-CV-0406-RCJ-NJK  
  
**ORDER**

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**IT IS THEREFORE ORDERED** that petitioner's Motion to Vacate Stay and Reopen Capital Habeas Proceedings (ECF No. 122) is **GRANTED**. The stay of this action is lifted.

1. **Amended Petition.** If necessary, petitioner shall file and serve a second amended petition for writ of habeas corpus within **60 days** after entry of this order. The second amended petition shall specifically state whether each ground for relief has been exhausted in state court; for

1 each claim that has been exhausted in state court, the second amended petition shall state how, when,  
2 and where that occurred. If petitioner determines that a second amended petition need not be filed,  
3 then, within 60 days after entry of this order, petitioner shall file and serve a statement to that effect.

4       2.       **Response to Petition.** Respondents shall have **60 days** following service of the  
5 second amended petition to file and serve an answer or other response to the second amended  
6 petition. If petitioner does not file a second amended petition, respondents shall have **60 days**  
7 following the due-date for the second amended petition to file and serve an answer or other response  
8 to petitioner's first amended petition.

9       3.       **Reply and Response to Reply.** Petitioner shall have **45 days** following service of an  
10 answer to file and serve a reply. Respondents shall thereafter have **30 days** following service of a  
11 reply to file and serve a response to the reply.

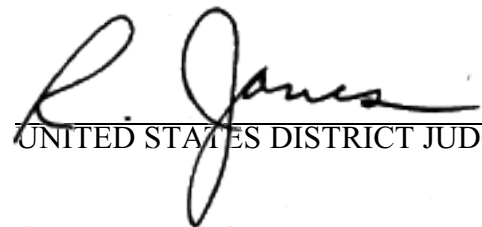
12       4.       **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner  
13 shall have **60 days** following service of the motion to file and serve a response to the motion.  
14 Respondents shall thereafter have **30 days** following service of the response to file and serve a reply.

15       5.       **Discovery.** If petitioner wishes to move for leave to conduct discovery, petitioner  
16 shall file and serve such motion concurrently with, but separate from, the response to respondents'  
17 motion to dismiss or the reply to respondents' answer. Any motion for leave to conduct discovery  
18 filed by petitioner before that time may be considered premature, and may be denied, without  
19 prejudice, on that basis. Respondents shall file and serve a response to any such motion concurrently  
20 with, but separate from, their reply in support of their motion to dismiss or their response to  
21 petitioner's reply. Thereafter, petitioner shall have 20 days to file and serve a reply in support of the  
22 motion for leave to conduct discovery.

23       6.       **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing,  
24 petitioner shall file and serve a motion for an evidentiary hearing concurrently with, but separate  
25 from, the response to respondents' motion to dismiss or the reply to respondents' answer. Any  
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1 motion for an evidentiary hearing filed by petitioner before that time may be considered premature,  
2 and may be denied, without prejudice, on that basis. The motion for an evidentiary hearing must  
3 specifically address why an evidentiary hearing is required, and must meet the requirements of  
4 28 U.S.C. § 2254(e). The motion must state whether an evidentiary hearing was held in state court,  
5 and, if so, state where the transcript is located in the record. If petitioner files a motion for an  
6 evidentiary hearing, respondents shall file and serve a response to that motion concurrently with, but  
7 separate from, their reply in support of their motion to dismiss or their response to petitioner's reply.  
8 Thereafter, petitioner shall have 20 days to file and serve a reply in support of the motion for an  
9 evidentiary hearing.

10 DATED: June 28, 2016.

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13 UNITED STATES DISTRICT JUDGE  
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